



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Divisional Patent Application of )  
 )  
 Cécile CHARTIER et al. ) Group Art Unit: Unassigned  
 )  
 Application No.: Divisional of Application ) Examiner: Unassigned  
 Serial No. 09/467,952 )  
 )  
 Filed: August 27, 2001 )  
 )  
 For: METHOD FOR THE )  
 PREPARATION OF A VIRAL )  
 VECTOR BY INTERMOLECULAR )  
 HOMOLOGOUS RECOMBINATION )

**INFORMATION DISCLOSURE STATEMENT  
TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

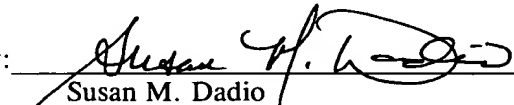
Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the  
 above-identified patent application.

- ☒ No additional fee for submission of an IDS is required.
- ☐ The fee of \$240.00 as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ A certification under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ A certification under 37 C.F.R. § 1.97(e), a petition requesting consideration of the  
 information disclosure statement, and the petition fee of \$130.00 as set forth in 37  
 C.F.R. § 1.17(i) are also enclosed.
- ☐ Charge \$\_\_\_\_\_ to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed for the fee due.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R.  
§§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to  
Deposit Account No. 02-4800. This paper is submitted in triplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
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Date: August 27, 2001



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Assistant Commissioner for Patents  
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Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. § 1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited below were submitted or cited in parent Application Serial Nos. 09/682,794 and 09/467,952.

**U.S. PATENTS**

1. WILSON et al., U.S. Patent No. 5,585,362, issued on December 17, 1996.

**FOREIGN PATENTS**

1. HADDADA et al., International Publication No. WO 94/26914, published on November 24, 1994.
2. KETNER et al., International Publication No. WO 95/03400, published on February 2, 1995.

**OTHER DOCUMENTS**

1. KETNER et al., "Efficient Manipulation of the Human Adenovirus Genome as an Efficient Yeast Artificial Chromosome Clone", *Proceedings of the National Academy of Sciences*, 1994, pp.6186-90, Vol. 91, no. 13, Washington, D.C.
2. DEGRYSE, "Evaluation of Escherichia Coli recBC sbcBC Mutants for Cloning by Recombination in Vivo", *Journal of Biotechnology*, 1995, pp. 181-87, Vol. 39, no. 2, Elsevier, Amsterdam, Netherlands.
3. SCHORR et al., "Non-homologous Recombination Between Adenovirus and AcNPV DNA Fragments in Cell-free Extracts from Insect Spodoptera Frugiperda Nuclei", *Virus Research*, 1993, pp. 153-70, Vol. 28, no. 2, Elsevier, Amsterdam, Netherlands.
4. PERRICAUDET et al., "Excision and Recombination of Adenovirus DNA Fragments in Escherichia Coli", *Science*, 1977, p. 4286, Vol. 196, Lancaster, PA, USA.
5. BOYD, "Turbo Cloning: A Fast Efficient Method for Cloning PCR Products and Other Blunt-Ended DNA Fragments Into Plasmids", *Nucleic Acids Research*, 1993, pp. 817-821, Vol. 21, no. 4, Oxford, England.
6. DEGRYSE et al., "In Vivo Cloning by Homologous Recombination in Yeast Using a Two-Plasmid-Based System", *Yeast*, 1995, pp. 629-640, Vol. 11, no. 7.
7. DE LUCA et al., "Effects of Terminal Non-homology on Intramolecular Recombination of Linear Plasmid Substrates in Escherichia Coli", *Journal of Molecular Biology*, 1992, pp. 72-80, Vol. 227, no. 1.
8. TATZELT et al., "Fractionated Nuclear Extracts from Hamster Cells Catalyze Cell-Free Recombination at Selective Sequences Between Adenovirus DNA and a Hamster Preinsertion Site",

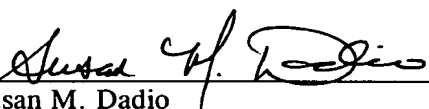
- Proceedings of the National Academy of Sciences*, 1993, pp. 7356-7360, Vol. 90, no. 15, Washington, D.C., USA.
9. IMLER et al., "An Efficient Procedure to Select and Recover Recombinant Adenovirus Vectors", *Gene Therapy*, 1995, pp. 263-268, Vol. 2, no. 4.
  10. BUBECK et al., "Rapid Cloning by Homologous Recombination in Vivo", *Nucleic Acids Research*, 1993, pp. 3601-3602, Vol. 21, no. 15, Oxford, Great Britain.
  11. SPENCER et al., "Targeted Recombination-Based Cloning and Manipulation of Large DNA Segments in Yeast", *Methods: A Companion to Methods in Enzymology*, 1993, pp. 161-175, Vol. 5.
  12. LEWIN, *Science*, 1987, p. 1570, Vol. 237.
  13. HAMIR et al., *Vet. Pathol.*, 1987, pp. 509-13, Vol. 29, no. 6.
  14. Report and Recommendations of the Panel to Access the NIH Investment in Research on Gene Therapy, December 7, 1995.
  15. COGLAN, *New Scientist*, November 25, 1995, pp. 14-15.
  16. JELINEK et al., *J. Virol.*, 1992, pp. 4117-4125, Vol. 66, no. 7.
  17. YAMAMOTO et al., *Mol. Gen. Genet.*, 1992, pp. 1-13, Vol. 234, no. 1.
  18. SHENK, "Adenoviridae: The Viruses and Their Replication, Fields Virology, Fields et al., Ed. Chp. 67, pp. 211-2148.

The documents are being submitted within 3 months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later, therefore no fee or certification is required under 37 C.F.R. § 1.97(b).

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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